

**MORATORIUM ORDINANCE ON THE SALE, POSSESSION
AND USE OF CONSUMER FIREWORKS
Town of Dayton, Maine**

The Town of Dayton adopts a Moratorium Ordinance on the sale, possession and use of consumer fireworks as follows:

WHEREAS, an Act to Legalize the sale, possession, and use of fireworks was passed by the 125th Maine legislature and signed on 2011-07-01; and

WHEREAS, the Town of Dayton recognizes the potential for fire and injury and the history of fire and injury in regards to the sale, possession, and use of fireworks; and

WHEREAS, the State of Maine has not finalized the rules and regulations for the “Consumer Fireworks Sale Licensing;” and

WHEREAS, the potential sale and use of consumer fireworks in the Town of Dayton raises legitimate and substantial questions and concerns about the impacts the sale, possession and use of fireworks would have on the Town of Dayton , including the compatibility with the existing residential and commercial zones; the potential adverse health and safety effects of the community, associated fires and injuries; and the increased burden on both law enforcement and fire department; and

WHEREAS, the current land use ordinances, as well as Town licensing ordinances do not adequately address the concerns listed above; and

WHEREAS, the existing land use ordinances, or other applicable laws and regulations, if any, are not adequate to address the potential serious public harm to the public that may result from the sale of consumer fireworks in the Town of Dayton or commercial development associated with the consumer fireworks business; and

WHEREAS, the Town of Dayton needs time to review the land use ordinances, Comprehensive Plan to determine the effect development associated with consumer fireworks, and the sale, possession and use of such fireworks, may have on the Town, and, if appropriate, to develop reasonable regulations governing such activities; and

WHEREAS, it is anticipated that such a study, review, and development of recommendations will take at least one hundred eighty (180) days from the date the Town of Dayton first enacts this Moratorium Ordinance on the sale, possession and use of consumer fireworks; and

NOW, THEREFORE, based upon the foregoing findings, be it hereby ordained that the Town of Dayton shall enact the following Moratorium Ordinance on the sale, possession and use of consumer fireworks:

1. **Authority:** This moratorium is adopted pursuant to 30-A M.R.S.A. § 4356 and the Town's home rule authority, 30-A MR.S.A. § 3001.
2. **Applicability and Purpose:** This moratorium shall apply to the sale of consumer fireworks within the Town of Dayton, as well as the use and possession of consumer fireworks as defined in PL 416 An Act to legalize the Sale, Possession, and Use of Fireworks on or after January 1, 2012.
3. **Prohibition:** During the time this Moratorium is in effect, no officer, official, employee, office, board, or agency of the Town of Dayton shall accept, process, approve, deny, or in any other way act upon any application for a building permit, certificate of occupancy, conditional use plan review and/or any other permits related to the establishment of retail or wholesale sales of fireworks, and no person or organization shall develop or sell consumer fireworks within the Town of Dayton on or after the effective date hereof. Furthermore, no person or organization shall possess or use consumer fireworks within the Town of Dayton on or after the effective date hereof.
4. **Enforcement, violation, and penalties:** If the sale, use, or possession of consumer fireworks takes place in violation of this moratorium, the Town may enforce this moratorium and seek the penalties specified in 30-A MR.S.A. § 4452, including, but not limited to, injunctions, penalties, attorneys' fees, and costs. Each day of a violation shall exist constitutes a separate violation.
5. **Effective date:** This moratorium shall take effect on upon its approval at a Regular or Special Town Meeting and shall remain in effect for a period of one hundred eighty (180) days after said date, unless extended, repealed, or modified as provided by law.
6. **Action by the Board of Selectmen and Planning Board:** During the effective period of this moratorium, the Planning Board and Board of Selectmen shall expeditiously act to review the implications of the sale, possession and use of consumer fireworks, among other things, the health, safety, welfare, law enforcement, fire protection, land use, property value, and environmental impacts on the Town of Dayton and its citizens. The Town will hold at least one public hearing and receive input from interested parties. The Planning Board and interested parties shall endeavor to submit recommendations for permanent action within one hundred seventy-nine (179) days of the effective date of this moratorium.
7. **Severability:** Should any section or provision of this Order be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.